

<sup>3</sup>  
~~27.~~ (New) The isolated protein of claim <sup>1</sup>~~25~~ which comprises amino acid residues 1 to 113 of SEQ ID NO:59.

<sup>4</sup>  
~~28.~~ (New) The protein of claim <sup>1</sup>~~25~~ which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

<sup>5</sup>  
~~29.~~ (New) A composition comprising the protein of claim <sup>1</sup>~~25~~ and a pharmaceutically acceptable carrier.

<sup>6</sup>  
~~30.~~ (New) An isolated protein produced by the method comprising:  
(a) expressing the protein of claim <sup>1</sup>~~25~~ by a cell; and  
(b) recovering said protein.

<sup>7</sup>  
~~31.~~ (New) An isolated protein comprising the amino acid sequence of the secreted portion of the polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

<sup>8</sup>  
~~32.~~ (New) The isolated protein of claim <sup>7</sup>~~31~~ which comprises the amino acid sequence of the complete polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075, excepting the N-terminal methionine.

<sup>9</sup>  
~~33.~~ (New) The isolated protein of claim <sup>7</sup>~~31~~ which comprises the amino acid sequence of the complete polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

<sup>10</sup>  
~~34.~~ (New) The protein of claim <sup>7</sup>~~31~~ which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

<sup>11</sup>  
~~35.~~ (New) A composition comprising the protein of claim <sup>7</sup>~~31~~ and a pharmaceutically acceptable carrier.

<sup>12</sup>  
~~36.~~ (New) An isolated protein produced by the method comprising:  
(a) expressing the protein of claim <sup>7</sup>~~31~~ by a cell; and

(b) recovering said protein.

37. (New) An isolated first polypeptide at least 90% identical to a second polypeptide consisting of amino acid residues 30 to 113 of SEQ ID NO:59.

38. (New) The isolated polypeptide of claim 37, wherein said first polypeptide is at least 95% identical to said second polypeptide.

39. (New) The protein of claim 37 which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

40. (New) A composition comprising the protein of claim 37 and a pharmaceutically acceptable carrier.

41. (New) An isolated protein produced by the method comprising:

(a) expressing the protein of claim 37 by a cell; and

(b) recovering said protein.

42. (New) An isolated first polypeptide at least 90% identical to a second polypeptide consisting of the secreted portion of the polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

43. (New) The isolated polypeptide of claim 42, wherein said first polypeptide is at least 95% identical to the said second polypeptide.

44. (New) The protein of claim 42 which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

45. (New) A composition comprising the protein of claim 42 and a pharmaceutically acceptable carrier.

46. (New) An isolated protein produced by the method comprising:

(a) expressing the protein of claim 42 by a cell; and

(b) recovering said protein.

47. (New) An isolated first polypeptide at least 90% identical to a second polypeptide consisting of amino acid residues 1 to 113 of SEQ ID NO:59.

48. (New) The isolated polypeptide of claim 47, wherein said first polypeptide is at least 95% identical to said second polypeptide.

49. (New) The protein of claim 47 which comprises a heterologous polypeptide sequence.

50. (New) A composition comprising the protein of claim 47 and a pharmaceutically acceptable carrier.

51. (New) An isolated protein produced by the method comprising:

(a) expressing the protein of claim 47 by a cell; and

(b) recovering said protein.

52. (New) An isolated first polypeptide at least 90% identical to a second polypeptide consisting of the complete polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

53. (New) The isolated polypeptide of claim 52, wherein said first polypeptide is at least 95% identical to said second polypeptide.

54. (New) The protein of claim 52 which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

55. (New) A composition comprising the protein of claim 52 and a pharmaceutically acceptable carrier.

56. (New) An isolated protein produced by the method comprising:

(a) expressing the protein of claim 52 by a cell; and

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(b) recovering said protein.

57. (New) An isolated protein consisting of at least 30 contiguous amino acid residues of amino acid residues 30 to 113 of SEQ ID NO:59.

58. (New) The isolated protein of claim 57 which consists of at least 50 contiguous amino acid residues of amino acid residues 30 to 113 of SEQ ID NO:59.

<sup>35</sup>  
~~59.~~ (New) The protein of claim ~~57~~<sup>33</sup> which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

<sup>36</sup>  
~~60.~~ (New) A composition comprising the protein of claim ~~57~~<sup>33</sup> and a pharmaceutically acceptable carrier.

<sup>37</sup>  
~~61.~~ (New) An isolated protein produced by the method comprising:  
(a) expressing the protein of claim ~~57~~<sup>33</sup> by a cell; and  
(b) recovering said protein.

<sup>13</sup>  
~~62.~~ (New) An isolated protein consisting of at least 30 contiguous amino acid residues of the secreted portion of the polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

~~63.~~ (New) The isolated protein of claim 62 which consists of at least 50 contiguous amino acid residues of the secreted portion of the polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

<sup>40</sup>  
~~64.~~ (New) The protein of claim ~~62~~<sup>35</sup> which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

<sup>41</sup>  
~~65.~~ (New) A composition comprising the protein of claim ~~62~~<sup>38</sup> and pharmaceutically acceptable carrier.

<sup>42</sup>  
~~66.~~ (New) An isolated protein produced by the method comprising:

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- (a) expressing the protein of claim ~~62~~ by a cell; and  
(b) recovering said protein.

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67. (New) An isolated protein consisting of at least 30 contiguous amino acid residues of amino acid residues 1 to 113 of SEQ ID NO:59.

68. (New) The isolated protein of claim 67 which consists of at least 50 contiguous amino acid residues of amino acid residues 1 to 113 of SEQ ID NO:59.

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~~69.~~ (New) The protein of claim ~~67~~ which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

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~~70.~~ (New) A composition comprising the protein of claim ~~67~~ and a pharmaceutically acceptable carrier.

- 47 43
- ~~71.~~ (New) An isolated protein produced by the method comprising:  
(a) expressing the protein of claim ~~67~~ by a cell; and  
(b) recovering said protein.

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72. (New) An isolated protein consisting of at least 30 contiguous amino acid residues of the complete polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

73. (New) The isolated protein of claim 72 which consists of at least 50 contiguous amino acid residues of the complete polypeptide encoded by the HEMCM42 cDNA contained in ATCC Deposit No. 209075.

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~~74.~~ (New) The protein of claim 72 which further comprises a polypeptide sequence heterologous to SEQ ID NO:59.

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~~75.~~ (New) A composition comprising the protein of claim 72 and pharmaceutically acceptable carrier.

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(New) An isolated protein produced by the method comprising:

- (a) expressing the protein of claim ~~72~~<sup>48</sup> by a cell; and  
(b) recovering said protein. --
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## Provisional Election With Traverse

With the exception of one claim, the Examiner has required restriction of the claimed subject matter into one of ten different groups. Applicants respectfully note that the Examiner has not restricted claim 23 to any of the ten groups. *See*, Paper No. 7 (mailed January 17, 2002).

In order to be fully responsive, Applicants hereby provisionally elect, with traverse, the subject matter of Group 2. (Additionally, in order to expedite examination of the present application, Applicants herewith submit an amendment adding new claims 25-76 particularly related to Gene No. 13 and also drawn to the subject matter encompassed by Group 2.) Applicants reserve the right to file one or more divisional applications directed to non-elected subject matter should the restriction requirement be made final. In such case, Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully traverse and request the withdrawal of the Restriction Requirement. Applicants note that the MPEP indicates, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." MPEP § 803. Assuming *arguendo*, that the groups listed by the Examiner represent distinct or independent inventions, restriction remains improper unless it can be shown that the search and examination of each group would entail a "serious burden." M.P.E.P. § 803. In the present situation, no such showing has been made. Moreover, Applicants submit that a search of the nucleic acid sequences of Group 1 would provide useful information for the polypeptide sequences of Group 2, which in turn, would provide useful information for the antibodies of Group 5. Furthermore, the above said information would also provide useful information pertinent to examination of the claims encompassed by Groups 3, 4, and 6-10. Hence, Applicants respectfully submit that a search encompassing the subject matter of Groups 1-10 would not impose a serious burden. Accordingly, Applicants respectfully request the restriction requirement be withdrawn.

